

Notice of Allowability

Application No.

09/750,668

Examiner

Hanh Nguyen

Applicant(s)

SALEH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed on 11/19/07.
2. ☒ The allowed claim(s) is/are Claims 1-80, 113-148, 150-152 renumbered 1-46, 50-83, 85-117, 47, 48, 84, 118, 49, 119 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

HANH NGUYEN
PRIMARY EXAMINER



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cyrus Bharucha at (512) 439-5097 on 1/29/08.

The application has been amended as follows:

Claims 153-166 have been canceled to expedite prosecution.

Claims 47-80, 148 have been rejoined due to the same subject matter shown in allowed claims 1, 113.

Claim 47 has been amended as shown in the attached copy.

Any comments considered necessary by applicant must be submitted no later than the payment of issue fee and, to avoid the processing delays, should preferably accompany the issue fee.

Any inquiry concerning this communication or earlier communications should be directed to Hanh Nguyen at 571 272 3092. The examiner can be reached on Monday-Thursday from 8:30AM-4:30PM. If attempts to reach the examiner by telephone are not successful, the examiner's supervisor, Lynn Field can be reached at 571 272 2092. The fax phone number for the group is 571 273 8300. Any inquiry of general nature relating to status of this application should be directed to Group Receptionist whose telephone number is 571 272 2600.

Hanh Nguyen



HANH NGUYEN
PRIMARY EXAMINER

Attached copy

Claim 47. (Amended) A computer system comprising:

a processor;

an optical network interface, coupled to said processor and to an optical network;

computer readable medium coupled to said processor; and

computer code, encoded in said computer readable medium, and executable by said processor [configured] to cause said processor to:

 broadcast a plurality of resource request packets to a plurality of said nodes in said optical network;

 dynamically identify a plurality of nodes with resources as a result of said broadcast plurality of resource request packets, wherein said nodes with resources are ones of said nodes having a resource necessary to support said virtual path;

 dynamically identify an intermediate node without resources as a result of said broadcasting, wherein said intermediate node without resources is one of said nodes lacking a resource necessary to support said virtual path;

 prevent a request packet from being forwarded, in response to said dynamically identifying said intermediate node without resources;

 dynamically determine an alternate physical path, said alternate physical path comprising ones of said nodes with resources;

 configure said alternate physical path by establishing a communication connection

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between said ones of said nodes with resources; and

restore said virtual path by provisioning said virtual path over said alternate physical path.